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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,614	03/20/2001	Joseph M. Cannon	CANNON 121-109-65	1498

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EXAMINER

NGUYEN, JOSEPH D

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 09/11/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/811,614

Applicant(s)

CANNON ET AL.

Examiner

Joseph D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 36, and 41-44 are rejected under 35 U.S.C. 102(a) as being anticipated by Mauney et al. (6,484,027).

Regarding claim 36, Mauney discloses a method for operating a portable wireless device, the method comprising:

- detecting when a user has returned to the vicinity of said portable wireless device (col. 7 lines 3-20);
- notifying the user that a message had occurred while the user was not in the vicinity of the portable wireless device (col. 7 lines 39-55).

Regarding claim 41, Mauney discloses said act of detecting comprises detecting an audio output from said user (col. 19 lines 5-12).

Regarding claim 42, Mauney discloses said act of notifying comprises providing the user with a pending message indication (col. 96 lines 24-46).

Regarding claim 43, Maoney discloses said act of providing comprises providing the user with an audible indication (col. 96 lines 24-46).

Regarding claim 44, Maoney discloses said act of providing comprises providing the user with a vibration indication (col. 19 lines 5-12).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maoney et al. (6,484,027) in view of Deline et al. (6,420,975).

Regarding claim 37, Maoney discloses said act of detecting. However, Maoney does not specifically disclose the detecting comprises establishing a BLUETOOTH communication channel.

Deline teaches the detecting comprises establishing a BLUETOOTH communication channel between said portable wireless device and with a user-carried BLUETOOTH device (col. 36 lines 4-67 thru col. 37 lines 1-18). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Maoney's system with the teaching of Deline of Bluetooth-enabled transceiver in order to provide user low cost in daily communication.

Regarding claim 38, Mauney discloses said act of detecting. However, Mauney does not specifically disclose the detector comprises sensing.

Deline teaches the act of detecting comprises a sensing that said portable wireless device has been moved from a stationary position (#52 fig. 7, col. 17 lines 1-41). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Mauney's system with the teaching of Deline of motion sensor in order to detect the movement of the device, and to inform user the message is awaiting at any time, and any place.

Regarding claim 39, Mauney discloses said of sensing. However, Mauney does not specifically disclose the said of sensing comprises a global positioning system (GPS) receiver.

Deline teaches the said of sensing comprises a global positioning system (GPS) receiver to detect changes in the portable wireless device's position (#50 fig. 7, col. 17 line 1-47). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Mauney's system with the teaching of Deline of GPS in order to detect the movement of the device, and to inform user the message is awaiting at any time, and any place.

Regarding claim 40, Mauney discloses said act of sensing. However, Mauney does not specifically disclose the comparing GPS location information.

Deline teaches detecting and sensing comprising comparing GPS location information of the portable wireless device with GPS location information transmitted to said portable wireless device from the user (#50 fig. 7, and col. 31 lines 10-37).

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Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Mauney's system with the teaching of Deline of comparing in order to provide information to user, and to inform user the update message at any time, and any place.

5. Claims 1-2, 4, 11-18, 24-29, 31, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauney et al. (6,484,027) in view of Knuth et al. (5,406,618).

Regarding claim 1, Mauney discloses an indication unit for use with a portable wireless device (Title, and col. 95 lines 57-58), the indication unit comprising:

- a proximity detector for detecting when a user has returned to the vicinity of the portable wireless device and for generating a signal indicating that the user has returned (col. 8 lines 42-53, and col. 96 lines 24-45);
- a user notification unit for providing a message indication to a user (col. 15 lines 10-25) (alert devices);
- a controller system (col. 14 lines 37- 51). However, Mauney does not specifically disclose controller responsive to receipt of said signal for activating said user notification unit to notify a user that a message arrived while said user was not in the vicinity of the portable wireless device.

Knuth teach a controller responsive to receipt of said signal for activating said user notification unit to notify a user that a message arrived while said user was not in the vicinity of the portable wireless device (fig. 1, col. 5 lines 43-54). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to

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modify Mauney's system with the teaching of Knuth of controller in order to inform user the message is awaiting.

Regarding claim 2, Mauney further discloses the portable wireless device is a telephone (col. 2 line 43-44, col. 30).

Regarding claim 4, Mauney further discloses the portable wireless device is a short message service (SMS) device (col. 15 lines 15).

Regarding claim 11, Mauney discloses the proximity detector. However, Mauney does not specifically disclose the detector comprises a voice recognition unit.

Knuth teaches the proximity detector comprises a voice recognition unit for recognizing the user's voice when the user has returned to the vicinity of the portable device (#42 fig. 1, col. 5 lines 30-37). Therefore, It would have been obvious to one skilled in the art at the time of the invention was made to modify Mauney's system with the teaching of Knuth of voice recognition in order to help user to retreat messages while still working on something else.

Regarding claim 12, Mauney further discloses the user notification unit. However, Mauney does not specifically disclose the notification unit comprises a message indicator.

Knuth teaches the notification unit comprises a message indicator for informing the user of a pending message (#200 fig. 2, col. 1 lines 65-68 thru col. 2 lines 1-15). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Mauney's system with the teaching of Knuth of message indication in order to the user to know there is message to be retreated.

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Regarding claim 13, Mauney further discloses the portable wireless device is a telephone and the pending message is a voice mail (col. 69 lines 44).

Regarding claim 14, Mauney further discloses the indication provided to the user comprises an audible indication (col. 96 lines 37-46).

Regarding claim 15, Mauney further discloses the indication provided to the user comprises a vibration of the portable wireless device (col. 15 lines 10-27).

Regarding claim 16, Mauney discloses a message comprises an appointment reminder (col. 95 lines 55-56). It is well know in the art that the message could be in any form such as: an appointment reminder, or pick me up time..., and the examiner takes Official Notice of this feature.

Regarding claim 17, Mauney further discloses indication unit is located on an integrated circuit chip (#64, #65 fig. 4A).

Regarding claim 18, Mauney discloses a portable wireless device comprises:

- an indication unit (Title, and col. 95 lines 57-58), said indication unit comprising:
- a proximity detector for detecting when a user has returned to the vicinity of the portable wireless device and for generating a signal indicating that the user has returned (col. 8 lines 42-53, and col. 96 lines 24-45);
- a user notification unit for providing a message indication to a user (col. 15 lines 10-25) (alert devices);
- a controller system (col. 14 lines 37- 51). However, Mauney does not specifically disclose controller responsive to receipt of said signal for activating said user notification



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unit to notify a user that a message arrived while said user was not in the vicinity of the portable wireless device.

Knuth teach a controller responsive to receipt of said signal for activating said user notification unit to notify a user that a message arrived while said user was not in the vicinity of the portable wireless device (fig. 1, col. 5 lines 43-54). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Mauney's system with the teaching of Knuth of controller in order to inform user the message is awaiting.

Regarding claim 24, this claim is rejected for the same reason as set forth in claim 11.

Regarding claim 25, this claim is rejected for the same reason as set forth in claim 12.

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 13.

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 14.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 15.

Regarding claim 29, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 31, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 33, this claim is rejected for the same reason as set forth in claim 16.

Regarding claim 34, this claim is rejected for the same reason as set forth in claim 17.

Regarding claim 35. Mauney further discloses proximity detector and said user notification unit. However, Mauney does not specifically disclose proximity detector and notification unit are provided on an integrated circuit chip.

Knuth teaches proximity detector and said user notification unit are provided on an integrated circuit chip (#14, #25, and #30 fig. 1). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Mauney's system with the teaching of Knuth in order to make the device more compact and convenient for user to carry it around.

6. Claims 3, 5-10, 19-23, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauney et al. (6,484,027) in view of Knuth et al. (5,406,618), and further in view of Deline et al. (6,420,975).

Regarding claim 3, in the modified Mauney system, Mauney discloses the portable wireless device. However, Mauney does not specifically disclose the portable wireless device is a personal digital assistant (PDA).

Deline teaches the portable wireless device is a personal digital assistant (col. 41 lines 6-22). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Mauney's system with the teaching of Deline of PDA in order to the provide user more choice in daily communication.

Regarding claim 5, in the modified Mauney system, Mauney discloses the portable wireless device. Mauney does not specifically disclose the portable wireless device is a pager.

Deline teaches the portable wireless device is a pager (col. 41 lines 6-22). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Mauney's system with the teaching of Deline of pager in order to provide user more choice in daily communication.

Regarding claim 6, in the modified Mauney system, Mauney discloses the proximity detector. However, Mauney does not specifically disclose the detector comprises a BLUETOOTH-enabled transceiver.

Deline teaches the detector comprises a BLUETOOTH-enabled transceiver for establishing a communication channel with another BLUETOOTH-equipped device (col. 17 line 12, and col. 36 lines 4-67 thru col. 37 lines 1-18). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Mauney's system with the teaching of Deline of Bluetooth-enabled transceiver in order to provide user low cost in daily communication.

Regarding claim 7, in the modified Mauney system, Mauney discloses the proximity detector. However, Mauney does not specifically disclose the detector comprises a motion sensor.

Deline teaches the proximity detector comprises a motion sensor for sensing when said portable wireless device has been moved from a stationary position (#52 fig. 7, col. 17 lines 1-41). Therefore, it would have been obvious to one skilled in the art at

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the time of the invention was made to modify Mauney's system with the teaching of Deline of motion sensor in order to detect the movement of the device, and to inform user the message is awaiting at any time, and any place.

Regarding claim 8, in the modified Mauney system, Mauney discloses the motion sensor. However, Mauney does not specifically disclose the motion sensor utilizes a global positioning system (GPS) receiver to detect motion.

Deline teaches the motion sensor utilizes a global positioning system (GPS) receiver to detect motion (#50 fig. 7, col. 17 line 1-47). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Mauney's system with the teaching of Deline of GPS in order to detect the movement of the device, user, and to inform user the message is awaiting at any time, and at any place.

Regarding claim 9, in the modified Mauney system, Mauney discloses the portable wireless device. However, Mauney does not specifically disclose the portable wireless device detects motion by sensing changes in its own position.

Deline teaches the portable wireless device detects motion by sensing changes in its own position (col. 31 lines 10-37). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Mauney's system with the teaching of Deline of detection motion in order to detect the movement of the device, user, and to inform user the update message at any time, and any place.

Regarding claim 10, in the modified Mauney system, Mauney disclose the portable wire less device. However, Mauney does not specifically disclose the portable wireless device comprises a GPS receiver.

Deline teaches the portable wireless device comprises a GPS receiver for receiving GPS location information and a receiver for receiving GPS location information transmitted to said portable wireless device from the user (# 50 fig. 7, col. 31 lines 10-37). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Mauney's system with the teaching of Deline of GPS receiver in order to provide user with update information at any time, and any place.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 9.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 30, this claim is rejected for the same reason as set forth in claim 3.

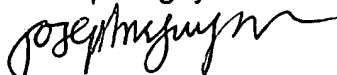
Regarding claim 32, this claim is rejected for the same reason as set forth in claim 5.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen



September 04 2003



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